

HOWREY
SIMON
ARNOLD
& WHITE

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L.P.

June 28, 2002 YS AT LAW

JUN 28 2002

PATENT & TRADEMARK

Box Missing Parts

Assistant Commissioner for Patents
Washington, D.C. 20231

1299 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20004-2402
PHONE 202.783.0800
FAX 202.383.6610
A LIMITED LIABILITY PARTNERSHIP

JONATHAN T. KAPLAN
PARTNER
202.383.7217
kaplanj@howrey.com

Re: U.S. Utility Patent Application
Application No. 10/046,220 Filed: January 16, 2002
Title: **METHOD AND APPARATUS FOR FORMALLY
CONSTRAINING RANDOM SIMULATION**
Inventors: **James H. Kukula, et al.**
Our Ref: 06816.0036.NPUS01

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Petition for Extension of Time Under 37 CFR 1.136;
2. Response to Notice to File Missing Parts of Application;
3. Copy of Notice to File Missing Parts;
4. Copy of Declaration executed by Inventors;
5. Our Check No. 370301 for \$530.00 to cover:
 \$130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16)
 \$400.00 Extension of time fees under 37 C.F.R. § 1.136; and
6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No.08-3038 referencing docket number **06816.0036.NPUS01**. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No.08-3038 referencing docket number **06816.0036.NPUS01**. *A duplicate copy of this letter is enclosed.*

Respectfully submitted,

Jonathan T. Kaplan

Jonathan T. Kaplan
Registration No. 38,935

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/046,220	01/16/2002	James Herbert Kukula	06816.0036.NPUS.01

2293
WREY SIMON ARNOLD & WHITE LLP
BOX 34
1299 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

CONFIRMATION NO. 4032

FORMALITIES LETTER



OC000000007559330

Date Mailed: 02/28/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/03/2002 RHEBRAHT 00000076 10046220

FILED UNDER 37 CFR 1.53(b)

01 FC:105
02 FC:116

130.00 DP
400.00 DP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The following item(s) appear to have been omitted from the application:

- Figure(s) Fig 5E described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of

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C1 H04-135

deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

B. Heston

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

File application of:

James H. Kukula, et al.

Application No. **10/046,220**

Filed: **January 16, 2002**

For: **METHOD AND APPARATUS FOR
FORMALLY CONSTRAINING
RANDOM SIMULATION**

Art Unit: 2185

Examiner: TBA

Confirmation No. 4032

Attorney Docket: **06816.0036.NPUS01**

**Response to Notice to File
Missing Parts of Application**

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTN: Box Missing Parts

Sir:

In response to the **Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b)--Filing Date Granted** dated February 28, 2002, Applicant submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Copy of the Notice to File Missing Parts;
- ☒ Copy of Original Declaration executed by the inventors;
- ☒ Petition for two-month extension of time;
- ☒ Return postcard; and
- ☒ Our Check No. 370301 in the amount of \$530.00 to cover:

\$130.00

Surcharge for late filing of Declaration (37 C.F.R. § 1.16)

\$400.00

For two-month extension of time fees under 37 C.F.R. § 1.136.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number **06816.0036.NPUS01**. *A duplicate copy of this Response is enclosed.*

Respectfully submitted,

Jonathan T. Kaplan

Registration No. 38,935

Date: June 28, 2002

HOWREY SIMON ARNOLD & WHITE, LLP

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